

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,)	
)	
Plaintiff,)	8:16CV189
)	
v.)	
)	
LESLIE DOUGLAS, Clerk Douglas)	ORDER
County Court, VICKI, and ETTA)	
GRAVES,)	
)	
Defendants.)	
)	

This matter is before the court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis (Filing No. [10](#)). Plaintiff filed a Notice of Appeal (Filing No. [9](#)) on August 11, 2016. Plaintiff appeals from the court's Memorandum and Order and Judgment dated July 27, 2016, (Filing Nos. [7](#) & [8](#)), in which the court dismissed this matter without prejudice for failure to prosecute it diligently and failure to comply with the court's orders.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis.

....

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken

in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding

The court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Appeal in Forma Pauperis (Filing No. [10](#)) is granted.
2. The Clerk of Court shall provide the Eighth Circuit Court of Appeals with a copy of this order.

DATED this 12th day of August, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge